

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CIVIL ACTION NO. 1:11cv0094 (WOB-MRM)

TIMOTHY ALLEN LITERAL

PETITIONER

VS.

ORDER

WARDEN, Toledo Correctional  
Institution

RESPONDENT

This matter is before the Court on the Report and Recommendation (Doc. #20) of the Magistrate Judge, and there being no objections filed thereto by petitioner, and the Court being sufficiently advised,

**IT IS ORDERED** that the Report and Recommendation be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; that the petition for writ of habeas corpus be, and it hereby is, **denied**; that this matter be **dismissed**, with prejudice, and **stricken** from the docket of this court. A separate Judgment shall enter concurrently herewith.

**IT IS FURTHER ORDERED** that, in light of the reasons stated in the Report and Recommendation of the Magistrate Judge, there would be no arguable merit for an appeal in this matter and, therefore, an appeal would not be taken in "good faith" within the meaning of Section 1915(a), and no Certificate of Appealability shall issue herein.

This 17<sup>th</sup> day of January, 2012.



**Signed By:**

**William O. Bertelsman** *WOB*

**United States District Judge**